

## **REMARKS**

Claims 1-30 are pending.

Claims 10-30 are withdrawn from consideration.

Claims 1-7 and 9 stand rejected under 35 USC §102(e) as being allegedly anticipated by Park (US 6,962,873).

Claims 1-3 and 7-9 stand rejected under 35 USC §102(e) as being allegedly anticipated by Qiao (US 6,803,318).

### **Changes in the Claims:**

Claims 1, 7 have been amended in this application to further particularly point out and distinctly claim subject matter regarded as the invention. No new matter has been added.

Claims 10-30 have been canceled.

Claims 31-34 have been added. Claims 31-34 depend from Claim 1. Claims 31-34 are supported by the present specification at paragraphs [0011]-[0013].

### **Election/Restriction:**

Applicant hereby elects Group I, including claims 1-9, drawn to a method, without traverse. Claims 10-30 have been canceled.

### **Rejection under 35 USC §102(e) – claims 1-7 and 9**

Claims 1-7 and 9 stand rejected under 35 USC §102(e) as being allegedly anticipated by Park (US 6,962,873). This rejection is respectfully traversed.

A claim must be anticipated for a proper rejection under §102(a), (b), and (e). This requirement is satisfied “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”; see MPEP §2131 and *Verdegaal Bros. V. Union Oil*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1984). A rejection under §102(e) may be overcome by showing that the claims are patentably distinguishable from the prior art; see MPEP §706.02(b).

Park describes forming a **nitride** layer on cobalt to create a capping layer. Park is silent as to forming a “metal capping layer comprising a group VIII metal and an element comprising at least **Si, or C.**” Park teaches only cobalt nitridation. Col. 6, line 53.

In contrast, Claim 1 claims “forming a metal capping layer on the metal portion, the metal capping layer comprising a group VIII metal and an element comprising at least Si, or C.” Park does not teach or suggest including Si or C in the capping layer.

The presently claimed invention is, accordingly, distinguishable over the cited reference. In the view of the foregoing, it is respectfully asserted that claims 1-7 and 9 are now in condition for allowance.

#### **Rejection under 35 USC §102(e) – claims 1-3 and 7-9**

Claims 1-3 and 7-9 stand rejected under 35 USC §102(e) as being allegedly anticipated by Qiao (US 6,803,318). This rejection is respectfully traversed.

Qiao describes depositing a layer of conductive material 16 on the dielectric layer 14 made of silicon dioxide or other “high-k” dielectrics. Col. 13, lines 5-15. The conductive material 16 includes polysilicon, aluminum, or copper. The polysilicon may be deposited using CVD of silicon from a silane source. Col. 13, lines 16-33.

In contrast, Claim 1 claims “forming a metal capping layer **on the metal portion**” and Claim 7 claims “forming a metal capping layer **on the metal portion**”. Qiao describes forming the layer of conductive material 16 on a **non-metal layer (the dielectric layer 14)**. See FIG. 1 of Qiao. Layer 16 is formed on layer 14. Qiao does not teach or suggest “forming a metal capping layer on the metal portion.”

The presently claimed invention is, accordingly, distinguishable over the cited reference. In the view of the foregoing, it is respectfully asserted that claims 1-3 and 7-9 are now in condition for allowance.

**Conclusion**

For all of the above reasons, applicants submit that the amended claims are now in proper form, and that the amended claims all define patentable subject matter over the prior art. Therefore, Applicants submit that this application is now in condition for allowance.

**Request for allowance**

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

**Request for Interview**


If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: \_\_\_\_\_

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